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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DAVID ALLEN TRIMM,  
Plaintiff,

vs.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,  
Defendant.

Case No. 1:22-cv-00663-JLT-BAM  
STIPULATION AND ~~PROPOSED~~  
ORDER FOR EXTENSION OF  
TIME

IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 60-day extension of time, from December 23, 2022 to February 21, 2023, for Plaintiff to serve on defendant with Plaintiff's Motion for Summary Judgment. All other dates in the Court's Scheduling Order shall be extended accordingly.

This is Plaintiff's second request for an extension of time. In the months of May through July 21, 2022, Counsel has received an influx of Social Security Certified Administrative Records (CAR). A review of the records received shows

Counsel has received at least 50 CARs, the majority of which were filed in June 2022. This has caused an unusually large number of cases that have merit briefs due in the months of August and September. For the months of September and October 2022, we have received an additional 39 CARs.

For the weeks of December 5, 2022 and December 12, 2022, Counsel currently has 15 merit briefs, and several letter briefs and reply briefs. Additional time is needed to thoroughly brief this matter for the Court. Also, as previously reported, Counsel for Plaintiff underwent major orthopedic surgery in March 2022, requiring significant physical therapy. This has required Plaintiff's counsel to take time off during the work week and work months since then. Although much improved, Counsel still participates in regular physical therapy two to three times per week.

Lastly, Counsel for Plaintiff is currently taking partial leave as his child was born on October 14, 2022. Thus, Counsel is working limited hours for the months of December 2022 and January 2023.

Defendant does not oppose the requested extension. Counsel apologizes to the Defendant and Court for any inconvenience this may cause.

Respectfully submitted,

Dated: December 5, 2022 PENA & BROMBERG, ATTORNEYS AT LAW

By: /s/ Jonathan Omar Pena  
JONATHAN OMAR PENA  
Attorneys for Plaintiff

Dated: December 5, 2022 PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE

Associate General Counsel  
Office of Program Litigation  
Social Security Administration

By: \*/s/ Caspar Chan  
Caspar Chan  
Special Assistant United States Attorney  
Attorneys for Defendant  
(\*As authorized by email on Dec. 5, 2022)

**ORDER**

Pursuant to the parties' stipulation and cause appearing, Plaintiff's second request for an extension of time to file a Motion for Summary Judgment is GRANTED. Plaintiff shall file a Motion for Summary Judgment on or before February 21, 2023. All other deadlines in the Court's Scheduling Order are modified accordingly. No further extensions of time will be granted absent a demonstrated showing of good cause.

IT IS SO ORDERED.

Dated: December 7, 2022

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE